

By: Davis

S.B. No. 1368

A BILL TO BE ENTITLED

AN ACT

1
2 relating to contracts by certain state governmental entities that
3 involve the exchange or creation of public information.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter Z, Chapter 2252, Government Code, is
6 amended by adding Section 2252.907 to read as follows:

7 Sec. 2252.907. CONTRACTS INVOLVING EXCHANGE OR CREATION OF
8 PUBLIC INFORMATION. (a) A contract between a state governmental
9 entity and a nongovernmental vendor involving the exchange or
10 creation of public information as defined by Section 552.002 that
11 the state governmental entity collects, assembles, or maintains or
12 has a right of access to must:

13 (1) be drafted in consideration of the requirements of
14 Chapter 552; and

15 (2) contain a provision that requires the vendor to
16 make the information not otherwise excepted from disclosure under
17 Chapter 552 available in a specific format that is:

18 (A) agreed upon in the contract; and

19 (B) accessible by the public.

20 (b) This section may not be waived by contract or otherwise.

21 (c) A request for public information regarding a contract
22 described by this section must be submitted to the officer or
23 employee responsible for responding to open records requests for
24 the state governmental entity that executed the contract.

1 (d) In this section, "state governmental entity" means a
2 state agency, board, commission, office, department, or other
3 agency in the executive or legislative branch of state government.

4 SECTION 2. The change in law made by this Act applies only
5 to a contract for which a state governmental entity first
6 advertises or otherwise solicits bids, proposals, offers, or
7 qualifications on or after the effective date of this Act. A
8 contract for which a state governmental entity advertised or
9 otherwise solicited bids, proposals, offers, or qualifications
10 before the effective date of this Act is governed by the law in
11 effect immediately before the effective date of this Act, and that
12 law is continued in effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2013.